

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

FORTRESS SYSTEMS, L.L.C., )  
Plaintiff, ) 8:06CV283  
vs. )  
BANK OF THE WEST, )  
Defendant. ) ORDER  
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This matter is before the court on Fortress Systems L.L.C.'s ("Fortress") motion for reconsideration and request for oral argument. Filing No. 64. The court previously entered a memorandum and order granting defendant Bank of the West's motion for summary judgment on Fortress's breach of contract and breach of duty of good faith and fair dealing claims. Filing No. 63. The court has reviewed Fortress's motion, as well as the court's previous memorandum and order, and the court declines to vacate its previous order. As such, Fortress's motion for reconsideration is denied.

THEREFORE, IT IS ORDERED that plaintiff's motion for reconsideration and request for oral argument, Filing No. 64, is denied.

DATED this 27<sup>th</sup> day of August, 2007.

BY THE COURT:

s/Joseph F. Bataillon  
Chief United States District Judge